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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,080	12/22/2001	Alan E. Kaplan	Kaplan 2000-0142	8267

7590 09/29/2004

Henry T. Brendzel  
P.O. Box 574  
Springfield, NJ 07081

EXAMINER

TAYLOR, BARRY W

ART UNIT	PAPER NUMBER
2643	

DATE MAILED: 09/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/026,080

Applicant(s)

KAPLAN, ALAN E.

Examiner

Barry W Taylor

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 June 2004 and 01 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 4-29, 32-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4-29 and 32-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/1/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 4-29 and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Staples et al (5,764,639 hereinafter Staples) in view of Szlam (6,359,892).

Regarding claims 1 and 17-18. Staples teaches a system and method for providing a remote user with a virtual presence to an office (see abstract), the arrangement including:

a first switch (see corporate switch 112 figures 4 and 5) connected to network (see PSTN figures 4 and 5) using trunk lines and a digital port (col. 8 line 44 – col. 10 line 23) through which information contained in the first switch can be accessed and through which control signals can be applied to control operation of the first switch,

and a second switch (see second switch 160 figures 4 and 5) connected to the network (see PSTN figures 4 and 5) using trunk lines and a digital port (col. 8 line 44 – col. 10 line 23) through which information contained in the second switch can be accessed and through which control signals can be applied to control operation of second switch, characterized by:

memory in the first switch containing directive that each call destined to a specified line of first switch is to be forwarded, through the network (see PSTN figure 4), to a specified line of the second switch.

According to Applicant's, Staples fails to show PBXs having "digital port" (see paper dated 6/24/2004, page 8, last paragraph).

Szlam teaches remote access, emulation and control of office equipment and services (Title, abstract). Szlam teaches retrofitting PBXs with CTI port (col. 8 lines 56-67, col. 9 lines 33-51, col. 10 lines 4-29, col. 15 lines 5-37, col. 23 lines 9-33) so that users who are away from home PBX may be provided a seamless (col. 16 line 6) virtual presence (col. 10 line 54 – col. 11 line 37, col. 12 lines 12-56, col. 13 lines 26-34, col. 13 lines 52-56, col. 14 lines 27-43, col. 16 lines 18-19) so that remote user may receive services such as Caller ID (col. 13 lines 5-19, col. 18 lines 37-49), make credit card calls (col. 14 lines 22-25) and facsimile services (col. 15 lines 50-66). Szlam discloses that each PBX contains controller communicating via CTI protocol (col. 18 lines 50-51). Szlam discloses that remote users are provided equipment functionally similar or identical to that available from another PBX cite (col. 19 lines 45-48). Szlam discloses that PBXs may be remotely programmed (col. 23 line 47 – col. 24 line 36) using CTI commands or any convenient protocol. Szlam discloses that by using CTI protocol overcomes prior art PBX that are limited to specific manufacturer's and/or proprietary protocol (col. 25 lines 53-67). Szlam discloses PBXs have internally stored application programs (col. 26 lines 18-39) to be executed when commanded to do so. Szlam

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further discloses that gateways, routers, etc., may also use CTI protocol to provide a seamless virtual presence (col. 27 lines 1-39).

Therefore, it would have been obvious for any one of ordinary skill in the art at the time of invention to modify the PBXs as taught by Staples to use CTI protocol as taught by Szlam for the benefit of mimicking services from users home office and providing the mimicked services to users located at remote locations.

Regarding claim 4. Staples shows offering facsimile of calling plan to remote user (col. 2 lines 50-63, col. 5 line 66 – col. 6 line 7). Szlam discloses that remote users are provided equipment functionally similar or identical to that available from another PBX cite (col. 19 lines 45-48)

Regarding claims 5-7. Staples show remote user logging in and setting up remote user information (col. 5 line 23 – col. 6 line 7, col. 6 line 46 – col. 7 line 65, col. 8 line 44 – col. 9 line 27). Szlam also teaches retrofitting PBXs with CTI port (col. 8 lines 56-67, col. 9 lines 33-51, col. 10 lines 4-29, col. 15 lines 5-37, col. 23 lines 9-33) so that users who are away from home PBX may be provided a seamless (col. 16 line 6) virtual presence (col. 10 line 54 – col. 11 line 37, col. 12 lines 12-56, col. 13 lines 26-34, col. 13 lines 52-56, col. 14 lines 27-43, col. 16 lines 18-19) so that remote user may receive services such as Caller ID (col. 13 lines 5-19, col. 18 lines 37-49), make credit card calls (col. 14 lines 22-25) and facsimile services (col. 15 lines 50-66). Szlam discloses that each PBX contains controller communicating via CTI protocol (col. 18 lines 50-51).

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Szlam discloses that remote users are provided equipment functionally similar or identical to that available from another PBX cite (col. 19 lines 45-48). Szlam discloses that PBXs may be remotely programmed (col. 23 line 47 – col. 24 line 36) using CTI commands or any convenient protocol. Szlam discloses that by using CTI protocol overcomes prior art PBX that are limited to specific manufacturer's and/or proprietary protocol (col. 25 lines 53-67). Szlam discloses PBXs have internally stored application programs (col. 26 lines 18-39) to be executed when commanded to do so. Szlam further discloses that gateways, routers, etc., may also use CTI protocol to provide a seamless virtual presence (col. 27 lines 1-39).

Regarding claims 8-9 and 19. Staples does not explicitly show using digital communication between digital ports requiring no dial-up connection.

Szlam teaches remote access, emulation and control of office equipment and services (Title, abstract). Szlam teaches retrofitting PBXs with CTI port (col. 8 lines 56-67, col. 9 lines 33-51, col. 10 lines 4-29, col. 15 lines 5-37, col. 23 lines 9-33) so that users who are away from home PBX may be provided a seamless (col. 16 line 6) virtual presence (col. 10 line 54 – col. 11 line 37, col. 12 lines 12-56, col. 13 lines 26-34, col. 13 lines 52-56, col. 14 lines 27-43, col. 16 lines 18-19) so that remote user may receive services such as Caller ID (col. 13 lines 5-19, col. 18 lines 37-49), make credit card calls (col. 14 lines 22-25) and facsimile services (col. 15 lines 50-66). Szlam discloses that each PBX contains controller communicating via CTI protocol (col. 18 lines 50-51). Szlam discloses that remote users are provided equipment functionally similar or

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identical to that available from another PBX cite (col. 19 lines 45-48). Szlam discloses that PBXs may be remotely programmed (col. 23 line 47 – col. 24 line 36) using CTI commands or any convenient protocol. Szlam discloses that by using CTI protocol overcomes prior art PBX that are limited to specific manufacturer's and/or proprietary protocol (col. 25 lines 53-67). Szlam discloses PBXs have internally stored application programs (col. 26 lines 18-39) to be executed when commanded to do so. Szlam further discloses that gateways, routers, etc., may also use CTI protocol to provide a seamless virtual presence (col. 27 lines 1-39).

Therefore, it would have been obvious for any one of ordinary skill in the art at the time of invention to modify the PBXs as taught by Staples to use CTI protocol as taught by Szlam for the benefit of mimicking services from users home office and providing the mimicked services to users located at remote locations.

Regarding claims 10-16 and 20-23. Staples does not show using gateway.

Szlam further discloses that gateways, routers, etc., may also use CTI protocol to provide a seamless virtual presence (col. 27 lines 1-39).

Therefore, it would have been obvious for any one of ordinary skill in the art at the time of invention to modify the PBXs as taught by Staples to use CTI protocol as taught by Szlam for the benefit of mimicking services from users home office and providing the mimicked services to users located at remote locations.



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Regarding claim 24. Applicants contend that Staples does not teach PBXs having specific installed information (see paper dated 6/24/2004, page 10, lines 14-15).

Szlam teaches remote access, emulation and control of office equipment and services (Title, abstract). Szlam teaches retrofitting PBXs with CTI port (col. 8 lines 56-67, col. 9 lines 33-51, col. 10 lines 4-29, col. 15 lines 5-37, col. 23 lines 9-33) so that users who are away from home PBX may be provided a seamless (col. 16 line 6) virtual presence (col. 10 line 54 – col. 11 line 37, col. 12 lines 12-56, col. 13 lines 26-34, col. 13 lines 52-56, col. 14 lines 27-43, col. 16 lines 18-19) so that remote user may receive services such as Caller ID (col. 13 lines 5-19, col. 18 lines 37-49), make credit card calls (col. 14 lines 22-25) and facsimile services (col. 15 lines 50-66). Szlam discloses that each PBX contains controller communicating via CTI protocol (col. 18 lines 50-51). Szlam discloses that remote users are provided equipment functionally similar or identical to that available from another PBX cite (col. 19 lines 45-48). Szlam discloses that PBXs may be remotely programmed (col. 23 line 47 – col. 24 line 36) using CTI commands or any convenient protocol. Szlam discloses that by using CTI protocol overcomes prior art PBX that are limited to specific manufacturer's and/or proprietary protocol (col. 25 lines 53-67). **Szlam discloses PBXs have internally stored application programs** (col. 26 lines 18-39) to be executed when commanded to do so. Szlam further discloses that gateways, routers, etc., may also use CTI protocol to provide a seamless virtual presence (col. 27 lines 1-39).

Therefore, it would have been obvious for any one of ordinary skill in the art at the time of invention to modify the PBXs as taught by Staples to use CTI protocol as

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taught by Szlam for the benefit of mimicking services from users home office and providing the mimicked services to users located at remote locations.

Regarding claim 25. Applicants contend that Staples does not teach virtual telephonic presence (see paper dated 6/24/2004, page 10, lines 21-29).

Szlam teaches remote access, emulation and control of office equipment and services (Title, abstract). Szlam teaches retrofitting PBXs with CTI port (col. 8 lines 56-67, col. 9 lines 33-51, col. 10 lines 4-29, col. 15 lines 5-37, col. 23 lines 9-33) so that users who are away from home PBX may be provided a seamless (col. 16 line 6) virtual presence (col. 10 line 54 – col. 11 line 37, col. 12 lines 12-56, col. 13 lines 26-34, col. 13 lines 52-56, col. 14 lines 27-43, col. 16 lines 18-19) so that remote user may receive services such as Caller ID (col. 13 lines 5-19, col. 18 lines 37-49), make credit card calls (col. 14 lines 22-25) and facsimile services (col. 15 lines 50-66). Szlam discloses that each PBX contains controller communicating via CTI protocol (col. 18 lines 50-51). Szlam discloses that remote users are provided equipment functionally similar or identical to that available from another PBX cite (col. 19 lines 45-48). Szlam discloses that PBXs may be remotely programmed (col. 23 line 47 – col. 24 line 36) using CTI commands or any convenient protocol. Szlam discloses that by using CTI protocol overcomes prior art PBX that are limited to specific manufacturer's and/or proprietary protocol (col. 25 lines 53-67). Szlam discloses PBXs have internally stored application programs (col. 26 lines 18-39) to be executed when commanded to do so.

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Szlam further discloses that gateways, routers, etc., may also use CTI protocol to provide a seamless virtual presence (col. 27 lines 1-39).

Therefore, it would have been obvious for any one of ordinary skill in the art at the time of invention to modify the PBXs as taught by Staples to use CTI protocol as taught by Szlam for the benefit of mimicking services from users home office and providing the mimicked services to users located at remote locations.

Regarding claims 26-29. Staples show setting up remote user information (col. 5 line 23 – col. 6 line 7, col. 6 line 46 – col. 7 line 65, col. 8 line 44 – col. 9 line 27). Szlam also teaches retrofitting PBXs with CTI port (col. 8 lines 56-67, col. 9 lines 33-51, col. 10 lines 4-29, col. 15 lines 5-37, col. 23 lines 9-33) so that users who are away from home PBX may be provided a seamless (col. 16 line 6) virtual presence (col. 10 line 54 – col. 11 line 37, col. 12 lines 12-56, col. 13 lines 26-34, col. 13 lines 52-56, col. 14 lines 27-43, col. 16 lines 18-19) so that remote user may receive services such as Caller ID (col. 13 lines 5-19, col. 18 lines 37-49), make credit card calls (col. 14 lines 22-25) and facsimile services (col. 15 lines 50-66). Szlam discloses that each PBX contains controller communicating via CTI protocol (col. 18 lines 50-51). Szlam discloses that remote users are provided equipment functionally similar or identical to that available from another PBX cite (col. 19 lines 45-48). Szlam discloses that PBXs may be remotely programmed (col. 23 line 47 – col. 24 line 36) using CTI commands or any convenient protocol. Szlam discloses that by using CTI protocol overcomes prior art PBX that are limited to specific manufacturer's and/or proprietary protocol (col. 25 lines

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53-67). Szlam discloses PBXs have internally stored application programs (col. 26 lines 18-39) to be executed when commanded to do so. Szlam further discloses that gateways, routers, etc., may also use CTI protocol to provide a seamless virtual presence (col. 27 lines 1-39).

Regarding claim 32. Staples fail to show determining foreign calling plan.

Szlam teaches remote access, emulation and control of office equipment and services (Title, abstract). Szlam teaches retrofitting PBXs with CTI port (col. 8 lines 56-67, col. 9 lines 33-51, col. 10 lines 4-29, col. 15 lines 5-37, col. 23 lines 9-33) so that users who are away from home PBX may be provided a seamless (col. 16 line 6) virtual presence (col. 10 line 54 – col. 11 line 37, col. 12 lines 12-56, col. 13 lines 26-34, col. 13 lines 52-56, col. 14 lines 27-43, col. 16 lines 18-19) so that remote user may receive services such as Caller ID (col. 13 lines 5-19, col. 18 lines 37-49), make credit card calls (col. 14 lines 22-25) and facsimile services (col. 15 lines 50-66). Szlam discloses that each PBX contains controller communicating via CTI protocol (col. 18 lines 50-51). Szlam discloses that remote users are provided equipment functionally similar or identical to that available from another PBX cite (col. 19 lines 45-48). Szlam discloses that PBXs may be remotely programmed (col. 23 line 47 – col. 24 line 36) using CTI commands or any convenient protocol. Szlam discloses that by using CTI protocol overcomes prior art PBX that are limited to specific manufacturer's and/or proprietary protocol (col. 25 lines 53-67). Szlam discloses PBXs have internally stored application programs (col. 26 lines 18-39) to be executed when commanded to do so. Szlam

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further discloses that gateways, routers, etc., may also use CTI protocol to provide a seamless virtual presence (col. 27 lines 1-39). **Szlam indeed discloses mimicking PBX services in Tokyo (i.e. foreign calling plan) and providing to user at PBX located in Atlanta office (col. 19 lines 45-48).**

Therefore, it would have been obvious for any one of ordinary skill in the art at the time of invention to modify the PBXs as taught by Staples to use CTI protocol as taught by Szlam for the benefit of mimicking services from users home office (i.e. Tokyo) and providing the mimicked services to users located at remote locations (i.e. Atlanta).

Regarding claims 33-34. Staples fails to show using memory of processor that is reachable by PBX.

Szlam teaches remote access, emulation and control of office equipment and services (Title, abstract). Szlam teaches retrofitting PBXs with CTI port (col. 8 lines 56-67, col. 9 lines 33-51, col. 10 lines 4-29, col. 15 lines 5-37, col. 23 lines 9-33) so that users who are away from home PBX may be provided a seamless (col. 16 line 6) virtual presence (col. 10 line 54 – col. 11 line 37, col. 12 lines 12-56, col. 13 lines 26-34, col. 13 lines 52-56, col. 14 lines 27-43, col. 16 lines 18-19) so that remote user may receive services such as Caller ID (col. 13 lines 5-19, col. 18 lines 37-49), make credit card calls (col. 14 lines 22-25) and facsimile services (col. 15 lines 50-66). Szlam discloses that each PBX contains controller communicating via CTI protocol (col. 18 lines 50-51). Szlam discloses that remote users are provided equipment functionally similar or

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identical to that available from another PBX cite (col. 19 lines 45-48). Szlam discloses that PBXs may be remotely programmed (col. 23 line 47 – col. 24 line 36) using CTI commands or any convenient protocol. Szlam discloses that by using CTI protocol overcomes prior art PBX that are limited to specific manufacturer's and/or proprietary protocol (col. 25 lines 53-67). Szlam discloses PBXs have internally stored application programs (col. 26 lines 18-39) to be executed when commanded to do so. Szlam further discloses that gateways, routers, etc., may also use CTI protocol to provide a seamless virtual presence (col. 27 lines 1-39). Szlam indeed discloses mimicking PBX services in Tokyo (i.e. foreign calling plan) and providing to user at PBX located in Atlanta office (col. 19 lines 45-48). **Szlam discloses that processor 225 may be located internal to PBX (see 225 located internal to MAIN OFFICE) or outside of main office (see bottom of figure 2B wherein 225 is now located outside of PBX).**

Therefore, it would have been obvious for any one of ordinary skill in the art at the time of invention to modify the PBXs as taught by Staples to use CTI protocol as taught by Szlam for the benefit of mimicking services from users home office (i.e. Tokyo) and providing the mimicked services to users located at remote locations (i.e. Atlanta).

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1, 4-29 and 32-34 have been considered but are moot in view of the new ground(s) of rejection.

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor whose telephone number is (703) 305-4811. The examiner can normally be reached on Monday-Friday from 6:30am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 customer service Office whose telephone number is (703) 306-0377.

  
CURTIS KUNTZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600